

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

WILLIAM R. MILNES, JR.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	File No. 1:11-cv-49-jgm
	:	
BLUE CROSS AND BLUE SHIELD	:	
OF VERMONT,	:	
	:	
Defendant.	:	
	:	
	:	

ORDER GRANTING PLAINTIFF'S MOTION FOR A
PROTECTIVE ORDER & MOTION TO QUASH
(Doc. 50)

Discovery in this case has been stayed, on consent, since February 7, 2012, because Mr. Milnes is in poor health. Milnes' Motion for Protective Order & Motion to Quash (Doc. 50) was filed February 2, 2012, the same day the parties filed their consented-to motion to stay discovery, and, although a stay was in place, the parties have since filed memoranda regarding whether Mr. Milnes' medical records should be subject to discovery and whether Mr. Milnes' financial advisor, Mr. Castro, may be subpoenaed. For the reasons that follow, Mr. Milnes' Motion is granted.

Since this Court entered its January 5, 2012 Order (Doc. 43) granting Defendant's motion to compel production of medical records, Milnes amended his complaint to omit any claim for

breach of his employment contract. (See Amended Complaint, Doc. 51.) Without this claim, and given Milnes' representations that he does not argue he is entitled to damages for foregoing continued employment or that he retired in reliance on the November 19, 2008 Letter Agreement, his medical condition and his motivations for retiring are no longer at issue, and any financial or legal advice he received from Mr. Castro, regardless of whether it was privileged, is irrelevant to the validity of Milnes' remaining claims based on the Letter Agreement.

Therefore, Mr. Milnes' Motion for a protective order barring disclosure of his medical records, and to quash the subpoena served on Mr. Castro (Doc. 50) is GRANTED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of May, 2012.

/s/ J. Garvan Murtha

Honorable J. Garvan Murtha
United States District Judge